

FREEDMAN AND LORRY, P.C.  
BY: SCOTT A. PORTNER, ESQUIRE  
IDENTIFICATION NO. 85314  
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Attorneys for Plaintiff

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALFORD AND BARBARA HENNIGAN (H/W)	:	CIVIL ACTION
7190 N. Uebert Street	:	
Philadelphia, PA 19138	:	
	:	
vs.	:	
	:	NO.
BAHIA NEGRA GMBH & CO KG	:	
c/o Columbus Shipmanagement GMBH	:	
Willie-Brandt-Strasse	:	
59-61 Newline 20457	:	
Hamburg, Germany	:	

COMPLAINT

Jury Trial Demanded

1. Plaintiffs, Alford and Barbara Hennigan are Husband and Wife and are citizens and residents of the Commonwealth of Pennsylvania residing at 7190 N. Uebert Street, Philadelphia, PA 19138.

2. Defendant Bahia Negra GMBH & Co. KG ("Bahia Negra") is a business organization organized and existing under the laws of Germany, with its primary place of business located at c/o Columbus Shipmanagement GMBH, Willie-Brandt-Strasse, 59-61 Newline 20457, Hamburg, Germany.

3. The jurisdiction of this Court is invoked under 28 U.S.C., §1332, there being diversity of citizenship between the parties and the amount in controversy, exclusive of interest and costs, being in excess of One Hundred and Fifty Thousand Dollars (\$150,000.00).

4. Venue is appropriate in this Court since a substantial part of the events giving rise to the claim occurred in this Judicial District.

5. On or about December 16, 2010, and at all times material hereto, Defendant, Bahia Negra owned, managed, operated, possessed, and controlled the M/V Bahia Negra.

6. On or about December 16, 2010, the M/V Bahia Negra was in navigable waters of the United States and was berthed at the Packer Avenue Marine Terminal in the Port of Philadelphia, Pennsylvania.

7. On or about December 16, 2010, the Plaintiff Alford Hennigan was employed by Greenwich Terminals, LLC in the capacity of longshoreman.

8. On or about December 16, 2010, at approximately 9:05 p.m., the Plaintiff Alford Hennigan was in the course and scope of his employment, and was ascending the vessel's gangway when he was caused to slip and sustain the injuries described herein.

9. The injuries sustained by Plaintiff Alford Hennigan on or about December 16, 2010, as set forth below, were caused by the carelessness and negligence of Defendant Bahia Negra, acting through its agents, servants, workmen and employees, including the breach by such Defendant of its "turnover", "intervention" and "active operation/active control" duties to the Plaintiff under Section 5(b) of the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. Section 905(b).

10. By reason of the carelessness and negligence of the Defendant as aforesaid, the Plaintiff was caused to sustain injuries to his right knee, the full extent of which has not yet

been determined; he sustained other orthopedic, neurological and internal injuries; he sustained severe shock and injury to his nerves and nervous system; he has in the past required and may in the future continue to require medicines, medical care and attention; he has in the past been and may in the future be compelled to expend monies and incur obligations for such care and attention; he has in the past suffered and may in the future continue to suffer agonizing aches, pains and mental anguish; he has in the past been and may in the future continue to be disabled from performing his usual duties, occupations and avocations.

WHEREFORE, Plaintiffs Alford Hennigan and Barbara Hennigan claim damages of the Defendant Bahia Negra, for a sum in excess of One Hundred and Fifty Thousand Dollars (\$150,000.00) in damages, together with pre-judgment interest and costs, and bring this action to recover same.

**COUNT II – BARBARA HENNIGAN V. BAHIA NEGRA GMBH & CO. KG.**

11. Plaintiffs hereby by reference Paragraphs 1 through 10 of the Complaint, as if fully set forth herein.

12. By reason of the carelessness and negligence of Defendant, by its agents, servants, workmen, and employees, and the resulting injuries sustained by the Plaintiff Alford Hennigan, the Plaintiff Barbara Hennigan has in the past been and in the future will be deprived of the earnings, comfort, society, companionship, services and consortium of Plaintiff Alford Hennigan to her loss and detriment.

WHEREFORE, Plaintiff Barbara Hennigan claims damages of the Defendant Bahia Negra GMBH & Co. KG, for a sum in excess of One Hundred and Fifty Thousand Dollars (\$150,000.00) in damages, together with pre-judgment interest and costs, and brings this action to recover same.

FREEDMAN AND LORRY, P.C.

By: S/Scott A. Portner, Esquire  
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Alford & Barbara Hennigan

DATED: July 29, 2011